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PATENT & TRADEMARK OFFICE

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I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

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Docket No.: 1946/1A483-US8

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Milstein, et al.

Serial No.: 09/760,307

Examiner: Channavajjala, L.

Confirmation No.: 8759

Filed: January 11, 2001 Art Unit: 1615

For: **ORAL DRUG DELIVERY COMPOSITIONS AND METHODS**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

DECLARATION OF MICHAEL GOLDBERG

Sir:

I, Michael Goldberg, declare that:

1. I am a citizen of the United States and am over twenty-one years of age.
2. I am CEO of Emisphere Technologies, Inc. and have held that position since at least August of 1990.

4. I have reviewed U.S. Patent Application Serial No. 09/760,307, including the pending claims therein, and U.S. Patent No. 5,935,601.

5. Upon information and belief, U.S. Patent Application Serial No. 09/760,307 and U.S. Patent No. 5,935,601 were, at the time the invention claimed in U.S. Application Serial No. 09/760,307 was made, owned by Emisphere Technologies, Inc. or subject to an obligation of assignment to Emisphere Technologies, Inc.

3. I hereby declare that all statements of my own knowledge are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that said willful false statements may jeopardize the validity of the application or any patent issued therein.

Dated: _____

Michael Goldberg
CEO and Chairman
Emisphere Technologies, Inc.